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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,555

02/05/2004

Bryan Sullivan

FSP0038

3544

7590

07/14/2006

FSP LLC

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EXAMINER

CAO, PHUONG THAO

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,555

Applicant(s)

SULLIVAN, BRYAN

Examiner

Phuong-Thao Cao

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/05/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Application filed on 02/05/2004.
2. Claims 1-23 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "*the* at least one of content and software" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Regarding claims 16-20 and 22-23, these claims recite the process of authenticating, but fails to recite a tangible result, a requirement for compliance with the provisions of 35 U.S.C. § 101 in view of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf, particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

For a result to be tangible, it must be more than just a thought or a computation; it must have real-world value rather than an abstract result. For instance, note that claim 21 is not rejected, since it recites the function of 'causing an HTTP server to communicate the at least one of content and software in response to the request', whereas (for instance), claim 16 merely cites 'modifying the request information' as the result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuh et al. (US Patent No 6,609,154).

As to claim 1, Fuh et al. teach:

“A method” (see Abstract) comprising:

“comparing information of a request by client logic with a known pattern of information for the client logic” (see Abstract and [column 9, lines 25-30] and [column 10, lines 20-45] wherein authentication information, such as IP address, stored in the network device is equivalent to Applicant’s “a known pattern of information for the client logic”); and

“when the information of the request matches the known pattern, causing at least one of content and software to be communicated to the client logic in response to the request” (see Abstract and [column 12, lines 55-67] wherein requested resource is equivalent to Applicant’s “at least one of content and software”; see [column 9, lines 20-30]).

As to claim 9, Fuh et al. teach:

“An apparatus” (see Abstract and [column 10, lines 1-15] wherein the firewall router including Authentication Proxy is equivalent to Applicant’s “apparatus”) comprising:

“a processor” (see [column 10, lines 10-15] wherein the firewall router must include a processor in order to execute software elements, modules or processes as disclosed); and

“logic that, when applied to the processor, results in comparing information of a request by client logic with a known pattern of information for the client logic; and when the information of the request matches the known pattern, causing at least one of content and software to be

communicated to the client logic in response to the request” (see Abstract, [column 10, lines 25-45] and [column 12, lines 55-67]).

9. Claims 1, 2, 5, 7-17, 20, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhigang (Publication No US 2005/0014489).

As to claim 1, Zhigang teaches:

“A method” (see [0055], [0062] and [0065]) comprising:

“comparing information of a request by client logic with a known pattern of information for the client logic” (see [0062] and [0065] wherein requesting terminal or browser is equivalent to Applicant’s “client logic”, and verifying that it knows the username and password for browser is equivalent to comparing information as illustrated in Applicant’s claim language); and

“when the information of the request matches the known pattern, causing at least one of content and software to be communicated to the client logic in response to the request” (see [0063] and [0065] wherein message is equivalent to Applicant’s “request”, and ‘authenticated’ means information of the request such as username and password matches information stored or known by the authentication system).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Zhigang teaches:

“the known pattern selected according to an identification of the client logic provided with the request” (see [0062] wherein the known pattern or stored registration information must be selected according to the value of “username” provided with the request in order to authenticating requesting terminal (equivalent to Applicant’s “client logic”) as disclosed).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Zhigang teaches:

“the known pattern of information comprising a value determined by combining information of the request” (see [0066] wherein the checksum is equivalent a value as illustrated in Applicant’ claim language).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Zhigang teaches:

“applying provision information to interpret at least a portion of the information of the request” (see [0062] wherein in order to determine if the value of “username” is a MSISDN, it must apply some information to interpret as illustrated in Applicant’s claim language); and

“comparing information interpreted from the request to information identifying the client logic” (see [0062] for using field “username” for authentication/authorization purposes which include comparing information as illustrated in Applicant’s claim language).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 7 and is similarly rejected including the following:

Zhigang teaches:

“the information identifying the client logic comprised by the request” (see [0060] and [0062] wherein requesting terminal is equivalent to Applicant’s “client logic”, and value of the field “username” is equivalent to information identifying the client logic as illustrated in Applicant’s claim language).

As to claim 9, Zhigang teaches:

“An apparatus” (see [0041]) comprising:

“a processor” (see [0041] wherein mobile terminal is equivalent to Applicant’s “processor”); and

“logic that, when applied to the processor, result in comparing information of a request by client logic with a known pattern of information for the client logic; and when the information of the request matches the known pattern, causing at least one of content and software to be communicated to the client logic in response to the request” (see [0063] and [0065] wherein the disclosure of content delivered to the client terminal after the message or request is authenticated based on username and password information for browser is equivalent to Applicant’s claim language).

As to claim 10, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Zhigang teaches:

“logic that, when applied to the processor, results in selecting the known pattern according to an identification of the client logic provided with the request” (see [0062] wherein the known pattern or stored registration information must be selected according to the value of “username” provided with the request in order to authenticating requesting terminal (equivalent to Applicant’s “client logic”) as disclosed).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Zhigang teaches:

“further comprising HTTP proxy logic” (see Abstract, [0033] and [0041]).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Zhigang teaches:

“logic that, when applied to the processor, compares the request with a known pattern of HTTP request header information” (see [0043]-[0049]).

As to claim 13, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Zhigang teaches:

“logic that, when applied to the processor, results in combining information of the request to determine a value to represent the pattern of information in the request” (see [0066] and Table 4 wherein the checksum is equivalent a value as illustrated in Applicant’ claim language).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 11 and is similarly rejected including the following:

Zhigang teaches:

“logic that, when applied to the processor, results in causing an HTTP server to provide the at least one of content and software to the HTTP proxy; and in the HTTP proxy providing the at least one of content and software to the client logic” (see [0055] wherein mobile terminal 302 is equivalent to Applicant’s “HTTP server”, WAP gateway is equivalent to Applicant’s “HTTP proxy”, and client terminal is equivalent to Applicant’s “client logic”; also see [0033] and [0041]).

As to claim 15, this claim is rejected based on arguments given above for rejected claim 9 and is similarly rejected including the following:

Zhigang teaches:

“logic that, when applied to the processor, results in applying provision information to interpret at least a portion of the information of the request” (see [0062] wherein in order to determine if the value of “username” is a MSISDN, it must apply some information to interpret as illustrated in Applicant’s claim language); and

“comparing information interpreted from the request to information identifying the client logic” (see [0062] for using field “username” for authentication/authorization purposes which include comparing information as illustrated in Applicant’s claim language).

As to claim 16, Zhigang teaches:

“A method” (see [0051]) comprising:

“comparing information of a request by client logic with a known pattern of information for the client logic” (see [0062] and [0065] wherein requesting terminal or browser is equivalent to Applicant’s “client logic”, and verifying that it knows the username and password for browser is equivalent to comparing information as illustrated in Applicant’s claim language since the verifying must include a comparing information with stored registration information or known pattern as in Applicant’s claim language); and

“modifying the request information to either validate or invalidate the request according to whether the information of the request matches the known pattern” (see [0051] wherein the known pattern may identify a request received from a mobile terminal or a browser in order to modify and process the request correspondingly).

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Zhigang teaches:

“the known pattern selected according to an identification of the client logic provided with the request” (see [0062] wherein the known pattern or stored registration information must

be selected according to the value of “username” provided with the request in order to authenticating requesting terminal (equivalent to Applicant’s “client logic”) as disclosed).

As to claim 20, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Zhigang teaches:

“the known pattern of information comprising a value determined by combining units of information of the request” (see [0066] wherein the checksum is equivalent a value as illustrated in Applicant’ claim language).

As to claim 22, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Zhigang teaches:

“applying provision information to interpret at least a portion of the information of the request” (see [0062] wherein in order to determine if the value of “username” is a MSISDN, it must apply some information to interpret as illustrated in Applicant’s claim language); and

“comparing information interpreted from the request to information identifying the client logic” (see [0062] for using field “username” for authentication/authorization purposes which include comparing information as illustrated in Applicant’s claim language).

As to claim 23, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Zhigang teaches:

“the information identifying the client logic comprised by the request” (see [0060] and [0062] wherein requesting terminal is equivalent to Applicant’s “client logic”, and value of the field “username” is equivalent to information identifying the client logic as illustrated in Applicant’s claim language).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 4, 6, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhigang (Publication No US 2005/0014489) as applied to claims 1 above, and further in view of Fuh et al. (US Patent No 6,609,154).

As to claims 3 and 18, these claims are rejected based on arguments given above for rejected claims 1 and 16 respectively, and are similarly rejected including the following:

Zhigang does not teach “an HTTP proxy comparing information of the request by the client logic with the known pattern of information for the client logic”.

Fuh et al. teach “an HTTP proxy comparing information of the request by the client logic with the known pattern of information for the client logic” (see Abstract, [column 8, lines 5-20], [column 9, lines 25-30] and [column 10, lines 35-45] wherein Authentication Proxy as disclosed is equivalent to Applicant’s “HTTP proxy”, information contained in the filtering mechanism and identifying one or more IP addresses of clients is equivalent to Applicant’s “the know pattern of information for client logic”).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zhigang by the teaching of Fuh et al., because letting the HTTP proxy to handle comparing information of the request by the client logic with the known pattern of information for the client logic provides a effective central access authority and management services which reduce traffic and resource burden of the HTTP server by preventing unauthorized access to the server and freeing the server from authentication/authorization process.

As to claims 4 and 19, these claims are rejected based on arguments given above for rejected claims 3 and 18 respectively, and are similarly rejected including the following:

Zhigang as modified teaches:

“the request comprising an HTTP GET request” (see [0043] and [0049]).

As to claims 6 and 21, these claims are rejected based on arguments given above for rejected claims 3 and 18 respectively, and are similarly rejected including the following:

Zhigang teaches:

“the HTTP proxy causing an HTTP server to communicate the at least one of content and software” (see [0041], [0080] and [0081]).

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Arai et al. (US Patent No 7,035,850) teach an access control system and method using a policy that access to a specific file is authorized only when it is made by a specific user using a specific program.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

July 6, 2006


Primary Examiner
Art Unit 2167